

objections and rejection of the claims are moot in view of the above amendments and remarks which follow and respectfully request allowance of the claims at an early date.

Restriction Requirement

Claims 1-29 are pending in this application and of those claims, claims 20-28 and the new claim 29 dependant upon original claim 1 have been withdrawn by the Examiner from further consideration and the Restriction Requirement has been made Final. Although Applicant's election was made with traverse of Group I that is, claims 1-19 in Paper No. 5, the Examiner has continued the requirement. Applicant reserves the right to prosecute and advance claims 20-29 in a continuation application. Therefore, claims 1-19 are currently pending and considered by the Examiner.

Drawings

The Examiner has objected to the drawings under 37 C.F.R. 1.83(a) as not showing every feature of the invention as specified in the claims, specifically the "user interface assembly." As a result, Applicant has submitted proposed drawing red line amendments for consideration and approval by the Examiner to overcome the objection. Applicant submits that the features are clearly shown and no new matter is entered by way of the proposed amendments. The user interface assembly is adequately described in the specification and claims and reference numerals calling out those features are added to the drawings without entry of new matter. Specifically, the user interface assembly is recited in paragraph 0010, page 1, lines 2-3 of the published application, as comprising a window and the keys of a keypad. In the drawings, the user interface assembly is generally designated 60 and the window 62 and keys 64 of the keypad 66 are shown in redline in Figures 1 and 2. Support is also found in paragraph 0016, lines 1-2

which recite the user interface assembly as comprising a window and the keys of a keypad. Additionally, paragraph 0032 describes a first moulding operation 100 which, as shown in Figure 3, describes moulding the frame and the window. The second moulding operation shown in Figure 3 describes moulding the keys.

Additionally, paragraph 0026 recites the fixed elements 14 of the membrane keypad are formed on the front face of PCB 11. Paragraph 0027 recites that the elastomeric moulding 16 is shaped to provide the buttons for the membrane keypad, which is shown in Figures 1, 2 and 3. Accordingly, Applicant submits that the proposed redline drawing amendments showing the additional reference numerals corresponding to the features of the invention described in the specification and recited in the claims overcome the Examiner's objection and respectfully requests approval of the proposed drawing changes.

#### Claim Objections

The Examiner objects to claims 1 and 10 for the following informalities and requests changing the term "a cover" to "a frame". Applicant submits that the term "cover" is the correct and appropriate descriptive term describing the feature of the present invention. As clearly described and set forth in the specification, the frame 15 is described at page 4, lines 31-33 and page 5, lines 1-10 and which frame provides a means for supporting the printed circuit boards, elastomeric moulding 16, and various apertures as described therein. As specifically stated in line 6 at page 5, lines 16-20, the frame 15 except for its front face is embedded along with the printed circuit board and battery in a cellular urethane body 19 to give the mobile telephone 1 its form. As clearly shown in the drawings, the assembly generally designated 52 is embedded within the cover generally designated 50 which cover 50 is formed as a result of the cellular urethane body 19 giving the mobile telephone its form. Applicant submits that the specification

and claims properly recite the term "cover" as used and understood within the context of the description of the present invention and as commonly used and understood as meaning an enclosure having an outwardly facing exterior. Accordingly, Applicant respectfully requests withdrawal of the objection to claims 1 and 10.

Claim Rejections U.S.C § 112

The Examiner rejects 5-7 and 15-17 under 35 U.S.C. § 112 second paragraph. Applicant and respectfully submits that the rejection is moot in view of the above claim amendments and respectfully requests withdrawal of the rejection of the claims as being indefinite.

Claim Rejections 35 U.S.C. § 102 and 103

The Examiner has rejected claims 1-2, 4-12 and 14-19 under 35 U.S.C. § 102(b) as being anticipated by the Roshitsh et al. U.S. Patent 5,241,695 reference. Applicant respectfully submits the Examiner misapplies the reference. In Applicant's invention, a portable electronic apparatus such as a mobile telephone includes a cover and an assembly including substantially all of the mobile phone's circuitry wherein the cover is a one-piece moulding and said assembly is embedded within the cover. The Roshitsh reference discloses a device that deals with a user interface sub-assembly for incorporation in a radio and the like. The user interface sub-assembly includes a moulded key switch assembly in which the Examiner has concluded the electronic circuitry of the present invention is disclosed by the circuitry that the Examiner defines as the contact buttons 108, 112. Further, the switch assembly 102 is an overlay that is placed in alignment with the underlying resistant switch contacts. Roshitsh does not teach, suggest or disclose a portable electronic apparatus including substantially all of the mobile phone's circuitry wherein the cover is a one piece moulding and said assembly is embedded within the cover as is clearly described and claimed in Applicant's invention. It is clearly shown in the drawings that

the urethane body 19 embeds the assembly 52. Accordingly, Roshitsh does not teach, suggest or disclose any type of one piece cover for an electronic apparatus such as a mobile phone much less that of Applicant's invention as described and claimed.

Furthermore, the Roshitsh device as interpreted by the Examiner would be inoperative if the moulding process and the resultant portable electronic apparatus of the invention were applied to the Roshitsh device as asserted by the Examiner since the moulding polymer would cover the circuitry and therefore prevent contact by the switches of the overlay 102 as is taught and required in Roshitsh. Therefore, Roshitsh is also technically different from Applicant's invention.

Accordingly, Applicant submits that the claims 1-2, 4-12 and 14-19 are patentably distinguishable over the Roshitsh reference and respectfully requests withdrawal of the rejection and allowance of the claims.

Claims 3 and 13 are rejected by the Examiner as being unpatentable over Roshitsh in view of Matsuhi et al. U.S. Patent 5,474,841. Applying the self-skinning foam or polymer material of Matsuhi to the device of Roshitsh as asserted by the Examiner does not overcome the basic fundamental deficiencies of Roshitsh. Since Roshitsh does not teach, suggest or disclose the cover as a one piece moulding having an assembly embedded within the cover, Applicant submits the combination as asserted by the Examiner does not anticipate Applicant's invention.

The remaining claims of the application including the newly presented claims 30-43 technically and patentably distinguish over the references cited by the Examiner and are submitted to be allowable for similar reasons as set forth above and further for limitations clearly set forth therein.


Applicant notes the response to this Office Action is due on September 6, 2002, and has herewith petitioned for a one month extension of time and submits the response is timely submitted on Monday, October 7, 2002, since the one month extension of time date of October 6, 2002 falls on a Sunday.

Applicant submits that the claims of this application are in condition for allowance and distinguish over the art for at least the reasoning that the apparatus includes a cover and an assembly including substantially all of the apparatus's circuitry wherein the cover is a one piece moulding and said assembly is embedded within the cover. Applicant respectfully requests the Examiner contact Applicant's attorney at the below listed number should there be any questions regarding this response or other matters associated with the prosecution of this application.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version With Markings to Show Changes Made". Also attached are proposed red line drawings showing amendments.

Respectfully submitted,

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Jack M. Pasquale  
Attorney for Applicant  
Registration No. 31,052

WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
Bradford Green, Building Five  
755 Main Street, P.O. Box 224  
Monroe, CT 06468  
Telephone (203) 261-1234  
Facsimile (203) 261-5676